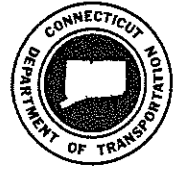


STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860) 594-2875

DOCKET NUMBER 0605-N-27-L

RE: APPLICATION OF MICHEL Y ADOLPHE & ROLLER ROC D.B.A.  
PRIDE LIMOUSINE TO OPERATE TWO (2) MOTOR VEHICLES,  
HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS IN  
GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN  
CONNECTICUT FROM A HEADQUARTERS IN NORWALK.

FINAL DECISION

May 3, 2007

## I. INTRODUCTION

### A. General

By application filed on May 9, 2006 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Michel Y Adolphe & Roller Roc d.b.a. Pride Limousine (hereinafter "applicant"), with a mailing address of 4 Van Zant Street, Norwalk, Connecticut, seeks authorization to operate two (2) motor vehicles, having a seating capacity of ten (10) adults or less in general livery service between all points in Connecticut from a headquarters in the town of Norwalk.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on April 12, 2007.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required pursuant to the Connecticut General Statutes Section 13b-103. Legal notice to the public was given by publication in the Norwalk Hour, a newspaper having a circulation in the area of concern.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17, conducted the hearing on this matter.

### C. Appearances

Roller Roc & Michel Adolphe d.b.a. Pride Limousine appeared pro se on behalf of the applicant. The applicant's mailing address is 4 Van Zant Street, Norwalk, Connecticut 06855.

Laima Abbas appeared pro se on behalf of All Around Limousine which was granted intervenor status. The mailing address is P.O. Box 517, Norwalk, Connecticut 06956.

Charles Wisniewski appeared pro se on behalf of Teddy's Transportation System, Inc. Teddy's Transportation System, Inc. petitioned for and was denied party status due to an untimely filing. The mailing address is P.O. Box 2325, Westport, Connecticut 06880.

Sheldon Lubin, a member of department staff, was present at the hearing.

## II. FINDINGS OF FACT

1. The applicant has held interstate Livery Permit Number 2840 since January 2001.
2. The applicant is currently operating two vehicles in interstate livery service.
3. The applicant pays an annual cost of \$11,608 to insure its vehicles.
4. The applicant's liquid assets equals \$19,495 and the expenses for the first six months equals

\$22,885.

5. The applicant receives interstate work from Eveready Transportation and often sends its intrastate trips to Eveready Transportation.
6. The applicant gets six to ten requests for intrastate livery service each week.
7. The applicant's customers do not understand why the applicant cannot perform intrastate livery service.
8. The applicant has had difficulty getting other livery companies to provide quality intrastate livery service for its customers.
9. The Church of God, of which one of the applicant's is a member, will give the applicant its intrastate livery trips.
10. In January 2007, All Around Limousine was granted authority to operate in livery service. Mr. Charles Wisniewski, owner of Teddy's Transportation System, supported the application.
11. Both All Around Limousine and Teddy's Transportation System are opposed to the applicant receiving livery authorization.

### III. DEPARTMENT ANALYSIS

The department has jurisdiction over each person, association, limited liability company or corporation owning or operating a motor vehicle in livery service, pursuant to Connecticut General Statutes Section 13b-102, as amended.

In determining whether a livery permit should be granted, the department shall take into consideration the present or future public convenience and necessity. The applicant must prove that the public's convenience and necessity will be improved by the proposed service. Additionally, the applicant must show the suitability of the applicant or the suitability of the management if the applicant is a limited liability company or corporation, the financial responsibility of the applicant, the ability of the applicant efficiently and properly to perform the service for which authority is requested and the fitness, willingness and ability of the applicant to conform to the provisions of the statutes and the requirements and regulations of the department thereunder, in accordance with Connecticut General Statutes Section 13b-103.

In support of financial wherewithal, the applicant provided financial information that shows that the applicant's liquid assets amount to \$19,495 and the expenses for the first six months equals \$22,885. Since Pride Limo is currently operating in interstate livery service, there will be no additional financial debt incurred and the applicant will be producing additional income during the six month period start up period to cover these expenses. Based on the evidence presented, the applicant has the financial wherewithal to provide the proposed service for the start up period for two vehicles.

With regard to suitability, the applicant provided the requisite criminal conviction history

forms for both Roller Roc and Michel Adolphe. While Mr. Adolphe has no criminal record, Mr. Roc has a minor drug conviction from January 1999. Since this event is not recent and is not serious in nature, it will not be an impediment to the applicant receiving livery authority. The applicant has been operating in interstate livery since 2001 without incident. Based on the evidence presented, the applicant has proven the requisite suitability to operate the proposed service.

As part of the requirements that must be met for a livery permit to be granted, the applicant must show that public convenience would be improved by the service. To show the need for the service, the applicant presented Vito Bochicchio, the owner of Eveready Transportation which is currently performing some of the applicant's intrastate livery work. Mr. Bochicchio testified that he supports the applicant's ability to perform intrastate work and explained the difficulty the applicant faces in only operating in interstate service. Besides losing customers, not having intrastate authorization hinders the company's growth.

Laima Abbas from All Around Transportation and Charles Wisniewski from Teddy's Transportation opposed the application. Neither offered any real evidence of the negative effect that the applicant will have on their companies. Both of these companies appeared before this hearing officer in December 2006 to ask that All Around Limousine be granted intrastate livery authority, based on the need for additional livery operators in Norwalk. To testify a mere four months later to the contrary and to oppose another company seeking to break into the market, leads to the conclusion that their testimony lacks credibility.

#### IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Michel Adolphe & Roller Roc d.b.a. Pride Limousine, is hereby granted and reissued as follows:

#### LIVERY PERMIT NO. 2840 FOR THE OPERATION OF LIVERY SERVICE

Michel Adolphe & Roller Roc d.b.a. Pride Limousine is hereby permitted and authorized to operate two (2) motor vehicles, each having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in Norwalk.

Michel Adolphe & Roller Roc d.b.a. Pride Limousine is hereby permitted and authorized to operate motor vehicles, for the transportation of passengers, in special and charter operations in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate No. MC-396945.

The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under for not less than twenty-four (24) months.


This permit shall remain in effect until revoked by the department. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other state statutes and/or the rules, regulations and orders of the department may from time to time

prescribe thereunder.

A memorandum of this permit, bearing the seal of the department, shall be kept conspicuously posted in the motor vehicles operated under this permit.

Dated at Newington, Connecticut on this 30th day of April 2007

CONNECTICUT DEPARTMENT OF TRANSPORTATION

  
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Judith Almeida, Esq.  
Staff Attorney III  
Administrative Law Unit  
Bureau of Finance and Administration